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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,114	10/22/2001	Claude Vercaemer	68.0282	9536

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[REDACTED] EXAMINER

SCHOEPPEL, ROGER J

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3672

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/013,114	VERCAEMER ET AL. <i>ES</i>
Period for Reply	Examiner	Art Unit
	Roger J. Schoeppel	3672
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1)<input type="checkbox"/> Responsive to communication(s) filed on _____.</p> <p>2a)<input type="checkbox"/> This action is <b>FINAL</b>.                    2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-36</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-36</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
<p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>		
<p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>		
<p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<b>Attachment(s)</b>		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>		

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## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 7, 9-11, 17, 18, 21-23, 25, 29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Teague et al, applicants cited prior art, claims 1, 2, 5, 9-12, 18-20, 25, 27, 29, 30, 35 and 36 are similarly rejected as anticipated by Swift, applicants cited prior art, and claims 1-3, 6, 8, 9, 11, 18-23, 27, 29 and 31-36 are likewise rejected as anticipated by Lebourg, also applicants cited prior art.

3. Teague et al disclose an expandible liner for use in an open hole section of the wellbore (Fig. 1) wherein pipe string **16** is used with removable setting tool **18** taken as the called for insertion guide to install expandible liner **14**, the liner being radially expandable (see Fig. 2) and comprising packers **20** to inhibit axial fluid flow, the packers being disposed circumferentially in rings about the expandible liner to inhibit axial fluid flow as is called for in claims 6 and 7, the liner having a sand screen **22** as called for in claims 10 and 25, the liner comprising a solid-walled section outside of a production fluid reservoir (see formation **12c** in Fig. 7) as called for in claims 17 and 31, the drop valve **48** being used in the completion called for in claims 18, 27 and 36, Teague et al being anticipated as having all of the other called for features in these claims.

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4. Swift discloses a method and apparatus for stabilizing formations which uses internally deformable pipe along with setting tool 34 and upwardly moving deforming tool 50 (Fig. 3) to expand slotted liner 32, the reference having all of the features called for by the instant second group of claims wherein, in particular, the setting tool serves as the called for insertion guide and is removable as called for in claims 1 and 2, had a plurality of radial-slotted openings which are anticipated as also serving as a sand screen as is called for in claims 5, 10, 12 and 25, the vertical upward passing of the deforming tool 50 taken as comprising the completion called for in claims 18-20, 27, 29, 30, 35 and 36, *inter alia*.

5. Lebourg discloses the use of an expandable liner 13 made of an impermeable yet elastic material (see column 2, line 37) set with setting tool 14 and used in a completion to isolate formation 11, the setting tool being retrievable after expanding liner 13 (see Fig. 4) which serves as the insertion guide as called for in claims 1-3 so as to inhibit axial flow from the formation 11 about the liner as called for in claim 6, the elastic member serving as the swelling material called for in claim 8, the liner 13 serving as in Fig. 4 as the completion component called for in claims 9, 11, 18-23, 27, 29 and 31-36, the reference having all of the features called for by the instant grouping of claims or the same as would be anticipated therefrom.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift or Lebourg, and further in view of Terry et al.

Teague et al, Swift and Lebourg all disclose the features of the independent claims as abovesaid but do not disclose wherein the system further comprises a signal carrier as is called for by the instant claims. Terry et al disclose that it is old to embed electrical conductors in a load carrying member for use as a signal carrier transmitted from a downhole-located sensor for use for example in transmitting a measure of pressure or temperature. It would be obvious for one of ordinary skill to consider the use of electrical conductors as a signal carrier coupled to a sensor, the completion equipment or to the functional equivalence of the insertion guide utilized by Teague et al, Swift or Lebourg.

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of these references, and when considering the prior art as a whole, to have used the functional equivalence of a signal carrier in conjunction with a sensor, insertion guide or a completion component as taught by Terry et al in the system designed according to the teachings of Teague et al, Swift or Lebourg for the purpose of improving on the lining of downhole producing formations.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift or Lebourg as applied to claim 1 above, and further in view of Stone or Mohn.

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Teague et al, Swift and Lebourg all disclose the features of the independent claim as abovesaid but do not disclose the use wherein a labyrinth is used to inhibit axial flow. Both Stone and Mohn disclose the use of a labyrinth to effect a seal. In Stone, see column 8, lines 31-32, and in Mohn, see column 2, line 45, wherein both Stone and Mohn disclose the use of a labyrinth to effect an axial seal.

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of these references, and when considering the prior art as a whole, to have used a labyrinth to effect an axial seal as taught by Stone or Mohn in the system designed according to the teachings of Teague et al, Swift or Lebourg for the purpose of improving on the sealing of downhole formations.

9. Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teague et al, Swift or Lebourg as applied to the independent claims as abovesaid, and further in view of Cook, applicants cited prior art.

Teague et al, Swift or Lebourg all disclose the features of the independent claims as abovesaid but do not disclose the use of the claimed system or method in a lateral well. Cook discloses it is old so to do. One of ordinary skill would consider the use of the system of Cook in the system and method of Teague et al, Swift or of Lebourg, or the functional equivalence of the same.

Accordingly, it is deemed by this examiner that it would have been obvious to one of ordinary skill in this art at the time of the invention and having a knowledge of this reference, and

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when considering the prior art as a whole, to have used a system for use in a wellbore as taught by Cook in the design of system for use in a wellbore as per Teague et al, Swift or Lebourg for the purpose of improving the completion of boreholes.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Roger Schoepel whose telephone number is (703) 308-2147. The examiner can normally be reached on Monday through Thursday from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for this Art Unit is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

R. Schoepel/rjs  
May 13, 2003

*Roger Schoepel*  
**ROGER SCHOEPPEL**  
**PRIMARY EXAMINER**  
**ART UNIT 3625**